

REMARKS

Claims 1-4, 7-10, 17, and 19-26 are pending, with claims 1, 2, 7, 8, and 9 being independent. Claims 1-4, 7-9, 17, and 24 have been amended and claims 5, 6, 11-16, and 18 have been cancelled. Support for the amendments can be found at least at page 15, lines 15-30 of the specification. No new matter has been introduced.

Claim Rejections

Double Patenting

Claims 1-10 and 14-26 have been provisionally rejected for obviousness-type double patenting over claims 1-5, 7, 10-12, 15, 16, and 22-27 of co-pending United States Patent Application Number 10/577,648. Applicants request reconsideration of this rejection in view of the amendments to the claims. Additionally, if the provisional double patenting rejection is maintained, applicants request that the rejection be held in abeyance until claims 1-4, 7-10, 17, and 19-26 of this application are otherwise held to be allowable and the claims of the '648 application are allowed.

Non-Obviousness

Claims 1, 3, 5, 7, 10, 17, and 19-24 have been rejected as being unpatentable over United States Patent Number 5,156,720 ("Rosenfeld") in view of United States Patent Number 5,096,520 ("Faris"), United States Patent Number 6,057,961 ("Allen"), and United States Patent Number 6,174,578 ("Holley"). Claims 14 and 18 have been rejected as being unpatentable over Rosenfeld, Faris, Allen, and Holley, in view of United States Patent Number 4,800,100 ("Herbots"). Claims 15 and 16 have been rejected as being unpatentable over Rosenfeld, Faris, Allen, and Holley, in view of United States Patent Number 6,867,067 ("Ghyselen") and Japanese Patent Document 53-31971 ("Ariyoshi"). Claims 2, 4, 6, 8, 9, 25, and 26 have been rejected as being unpatentable over Rosenfeld in view of United States Patent Number 4,934,791 ("Shimizu"), Allen, and Holley.

All pending claims now recite “forming a metal layer on a first substrate” and “subjecting the metal layer to at least one of a thermal oxidization treatment, an oxygen plasma treatment, and a treatment with oxidizing solution to form a metal oxide layer on the metal layer.” None of the cited references, alone or in combination, discloses or suggests at least these features of the independent claims. For example, Rosenfeld discloses forming a metal oxide layer on the valve metal by anodizing the valve metal. For at least this reason, reconsideration and withdrawal of the rejections are requested.

CONCLUSION

The absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

If the Examiner has any questions regarding this document, applicants ask that the Examiner contact applicants' undersigned attorney.

No fee is believed to be due in connection with filing this paper. However, please apply any necessary charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 16 December 2009

/George P. Bonanto/
George P. Bonanto
Reg. No. 59,717

Fish & Richardson P.C.
Telephone: (202) 783-5070
Facsimile: (877) 769-7945